

Persons with Severe Mental Illness in the Criminal Justice System: Specialty Mental Health Courts and Specialty Mental Health Probation

“Everybody Needs a Place to Be”

Chief District Judge Joseph Buckner
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Daily Number of Persons with Mental Illness in the Criminal Justice System

- 31% of female jail inmates and 15% of male inmates have mental illness (Steadman et al., 2009) - June 2009 ~ 130,140 SMI jail inmates ready for release
- 24% of female and 16% of male prisoners have mental illness (Ditton, 1999) - June 2009 ~ 267,994 SMI prisoners potentially ready for community reentry
- About 27% of 5m SMI probationers (Crilly et al., 2009) - ~ 1.35 million probationers!
- Approximately 54,000 in state hospitals!

	Prisons	Jails	Probation/Parole
# SMI	276,994	130,140	1,350,000

Criminogenic Risks

- Criminogenic risks similar for justice-involved persons with and without SMI (Andrews et al., 2006; Bonta et al., 1988)
 - Central 8 criminogenic risks include:
 - Anti-social behavior
 - Anti-social personality traits
 - Anti-social cognition
 - Anti-social associates
 - Substance Abuse
 - Family and/or marital conflict
 - Low levels of education and employment
 - Lack of appropriate leisure/recreational activities

Dorothea Dix

nlcatp.org

“Man is not made better by being degraded; he is seldom restrained from crime by harsh measures, except the principle of fear predominates in his character; and then he is never made radically better for its influence.”

Rapid Diffusion of MHCs

- Now over 300 MHCs, typically include:
 - Specialized mental health docket
 - Judicially-supervised, community based treatment plan
 - Regular status to review progress
 - Explicit graduation criteria (CSG, 2008)
- Evidence for MHCs promising
 - Improve treatment access and reduce recidivism (Boothroyd et al., 2003; Cosden et al., 2003; McNeil & Binder, 2007; Moore & Hiday, 2006; Steadman et al., 2011; Trupin & Richards, 2003)
 - Graduation rates are low (30 – 50%) and substance use = bad outcomes (Steadman et al., 2011)

NPR Interview Clip



Community Resource Court (CRC)

- Since 2000 in Orange County and 2005 in Chatham County – a collaborative effort b/w OPC Area Program and Judicial District 15B
- Participating agencies: District Attorney's Office, Public Defender's Office, local law enforcement, probation, pre-trial services, Cardinal Innovations, and community treatment providers

CRC Funding

- **JANUARY 2001:** NC Mental Health Block Grant (Mental Health Court Case Manager)
- **MARCH 2003:** Bureau of Justice Assistance, US Office of Justice; Mental Health Courts Pilot Grant (Mental Health Court Clinical Social Worker)
- **SEPTEMBER 2003:** Submission to the Council of State Governments – request for technical assistance to improve collaboration between corrections and mental health system
- **FY 2003/-4:** NC General Assembly House Bill 1414- established pilot mental health programs in Judicial District 15B
- **FY 2005/06:** Approval of line item in DHHS Budget for Community Resource Court
- **Federal Legislation:* Mental Health Offender Act

Eligibility Requirements

- Charged with criminal offense
- Have mental health diagnosis or mental health treatment history
- Priority given to participants with Severe and Persistent Mental Illness (SPMI) who are eligible for long term case management services
- The DA screens all cases to see if charges are appropriate for CRC. A Defendant may be deemed legally inappropriate if there is a history of violent offenses or if current charges reflect concern for public safety
- Participant is agreeable to treatment
- The team decides if there are adequate and accessible services available

CRC Program Requirements

- Participation is voluntary*
- The participant agrees to:
 - Obtain or submit to a mental health assessment
 - Sign an Informed Consent Form for sharing of treatment information with court team
 - Comply with recommended treatment, including taking any prescribed medications, for a minimum of 6 months
 - Attend monthly court reviews
 - Not to commit any new offenses. New charges may result in termination from CRC
 - Have 6 months of continuous treatment compliance before being considered for graduation. Periods of non-compliance or instability may result in longer period of time in CRC.
 - Continuous patterns of non-compliance with treatment recommendations result in participant returning to regular court for disposition of their case(s).

*At any time a participant may choose to withdraw from the CRC and have his or her case(s) routed back to regular court.

Community Collaborative Stakeholder Diagram



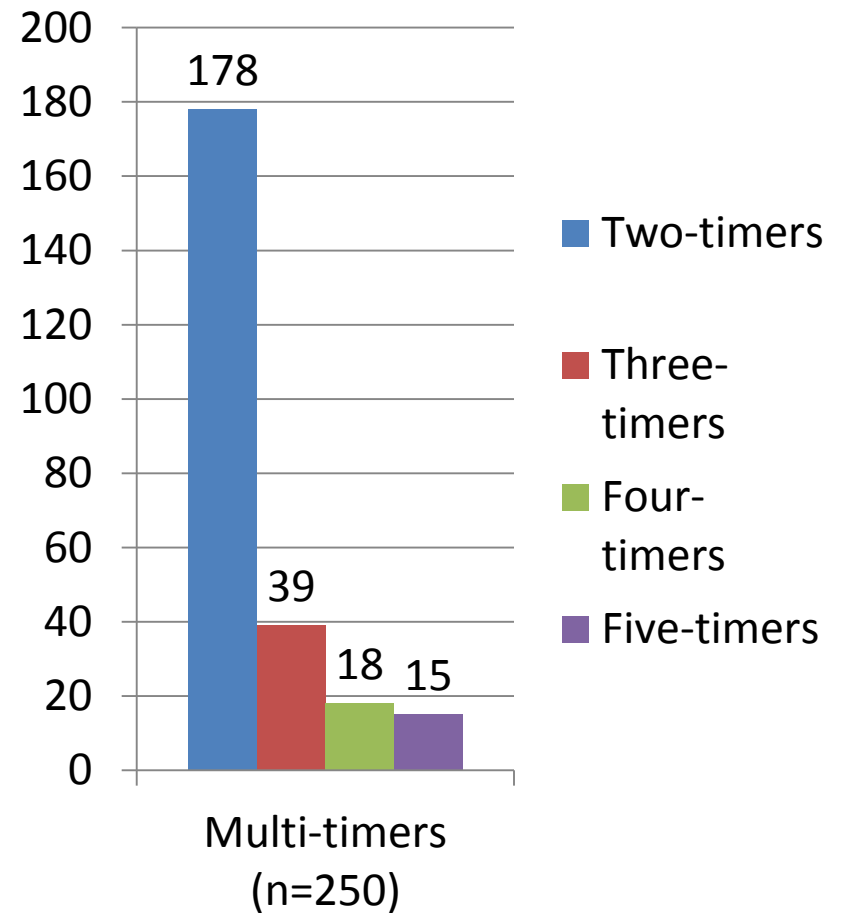
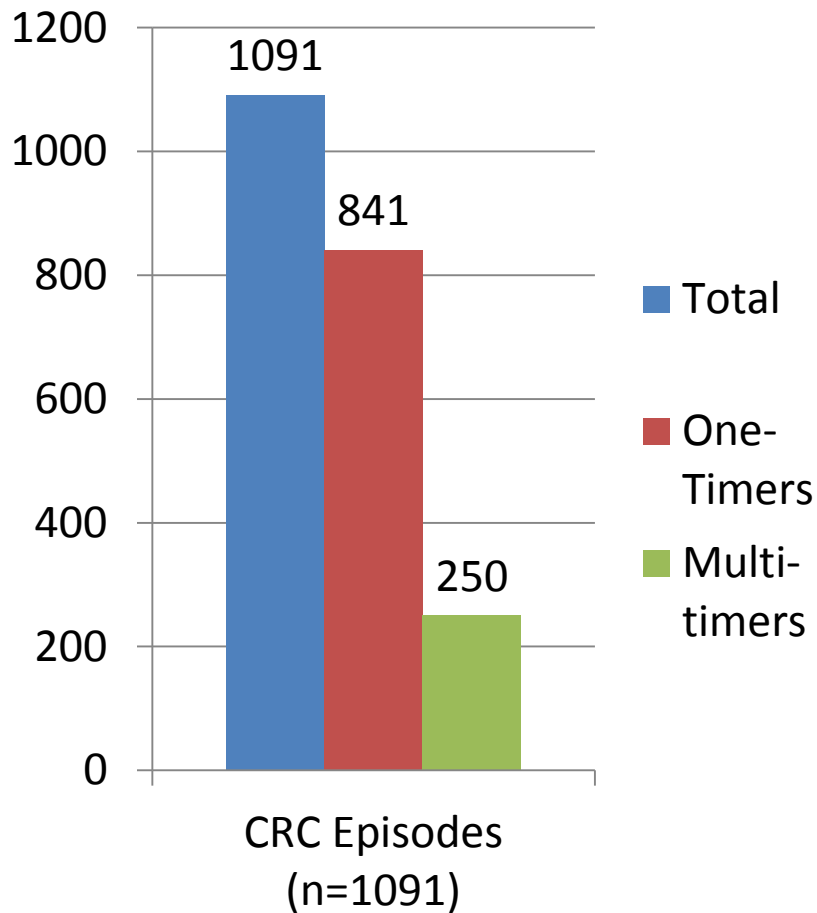
Misdemeanor Offenses Committed On or After 12/1/13

PRIOR CONVICTION LEVEL				
OFFENSE CLASS	I No Prior Convictions	II One to Four Prior Convictions		III Five or More Prior Convictions
A1	C/I/A 1 - 60 days	C/I/A 1 - 75 days		C/I/A 1 - 150 days
1	C 1 - 45 days	C/I/A 1 - 45 days		C/I/A 1 - 20 days
2	C 1 - 30 days	C/I 1 - 45 days		C/I/A 1 - 60 days
		One to Three Prior Convictions	Four Prior Convictions	
3	C Fine Only* 1-10 days	C Fine Only* 1- 15 days	C/I 1 - 15 days	C/I/A 1 - 20 days

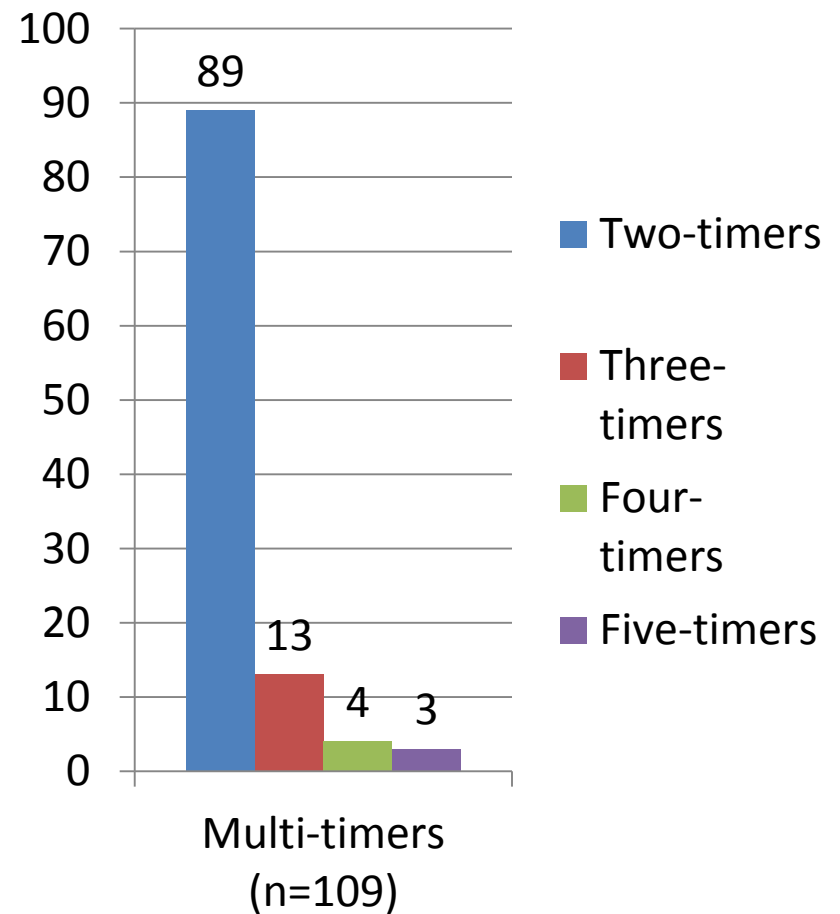
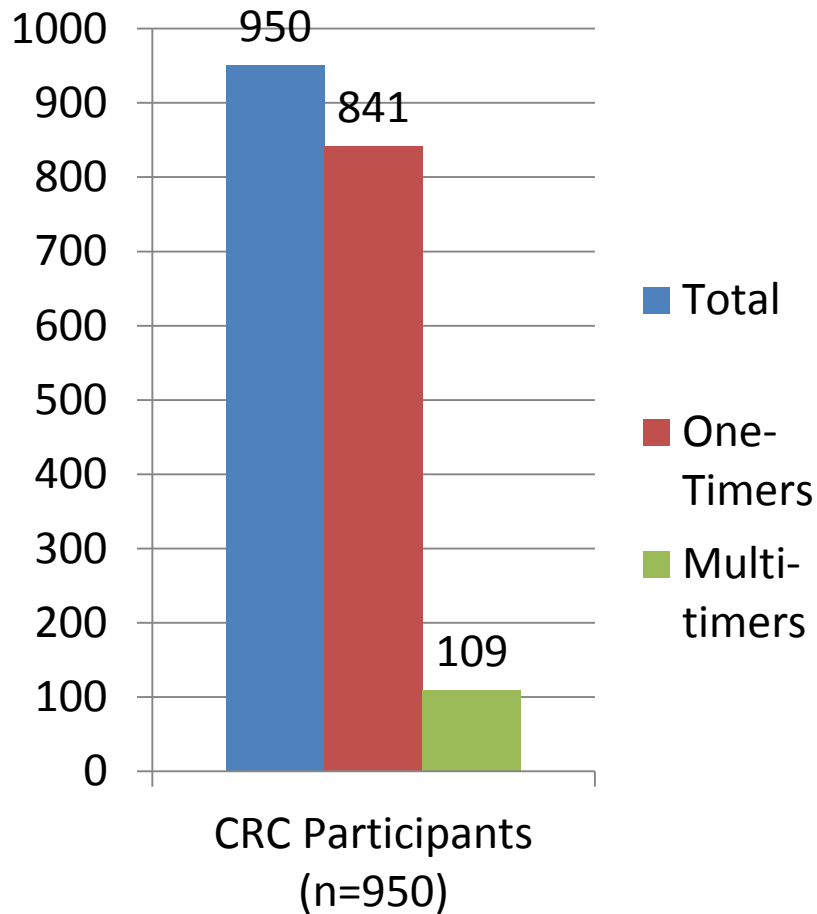
Unless otherwise provided for a specific offense, the judgement for a person convicted of a Class 3 misdemeanor who has no more than three prior convictions shall consist only of a fine.

A- Active Punishment **I-** Intermediate Punishment **C-** Community Punishment

CRC Episodes: 2000 - 2011



CRC Participants: 2000 - 2011



CRC Participation: 2000 - 2014

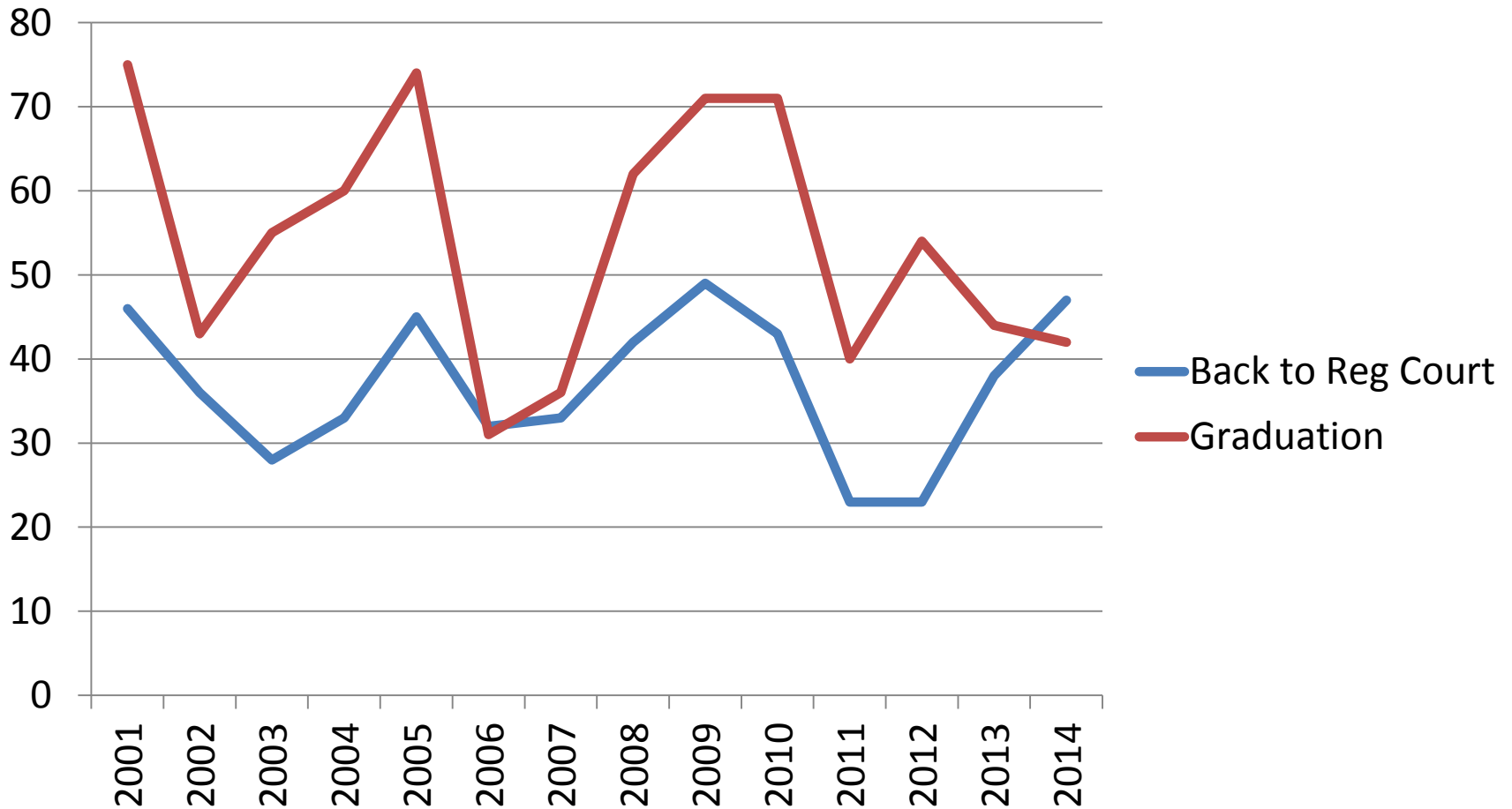


CRC Demographics and Outcomes: 2010-2014

	2010	2011	2012	2013	2014
Number Screened	135	102	92	80	91
Male (%(n))	60 (81)	62 (63)	68 (61)	58 (46)	69 (63)
White (%(n))	61 (82)	57 (58)	52 (46)	63 (50)	53 (48)
Black (%(n))	33 (45)	40 (41)	33 (89)	35 (28)	36 (33)
Age (M(SD))	30 (12.5)	30 (13.2)	34 (13.7)	35 (13.8)	35 (14.0)
Months in CRC (M(SD))	8.5 (5.9)	7.5 (5.5)	8.5 (6.6)	8.5 (5.6)	8.4 (5.0)
Outcomes					
Graduated (%(n))	53 (69)	38 (39)	54 (45)	43 (34)	42 (38)
Back to reg. court (%(n))	33 (43)	33 (34)	23 (19)	38 (30)	47 (43)
Case dismissed (%(n))	2 (2)	<1 (1)	-	<1 (1)	<1 (1)
Opted out (%(n))	3 (4)	<1 (9)	8 (7)	<1 (4)	2 (2)
Ineligible (%(n))	2 (2)	<7 (1)	5 (4)	<1 (3)	8 (7)
Drug court (%(n))	2 (2)	-	11 (9)	-	<1 (1)

Note: Percentages and Ns may not add up due to rounding and/or missing data.

CRC Outcomes: 2000 - 2014



THANKS!